

U.S.

v.

Case # 03-10362 PDS

Fabian A. Ruiz

10/11/2005

Motion to Quash Subpoena

Now comes Fabian A. Ruiz in the above entitled matter and moves this Honorable Court to Quash the Subpoena issued on Aug 29, 2005, and grant leave to depart.

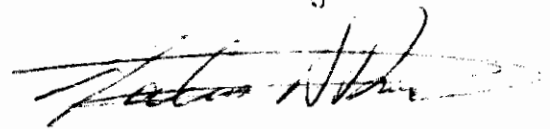
A Subpoena was issued to Fabian Ruiz to testify at his Co-defendants trial Sean W. Stark case # 03-10362. Mr Ruiz went to trial and was found guilty in front of The Honorable William Go Young. His case is under Appeal at this time. Because of his ongoing Appeal, if Mr. Ruiz was brought to Mr. Stark's trial to testify, Mr Ruiz would violate his constitutional right to the 5<sup>th</sup> Amendment. Mr Ruiz was sentenced on 7-25-2005 and is awaiting to be airlifted by the B.O.P. This Subpoena is preventing him from being transferred from Plymouth County Facility back to his western region.

Upon receiving the subpoena, Mr Ruiz notified his attorney Valerie Carter of his intention of invoking the 5<sup>th</sup> Amendment due to his appeal, and to inform the U.S. District Attorney Cynthia White. To date Mr Ruiz has no response from his Attorney.

Mr Ruiz pleads with this court to Quash the subpoena and allow him to be transferred into B.O.P. custody.

Dated 10-8-05

Respectfully Submitted



Fabian A. Ruiz Pro Se

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DSB-305 # 36370

## Certificate of Service

I Fabian A. Ruiz de hear by certify  
that I have on this day of Oct 8, 2005,  
Served a true copy of the above  
documents, Motion to Quash, to Cynthia  
W. He the prosecuting Attorney in  
U.S. District of Massachusetts by  
first class mail



Fabian A. Ruiz Pro Se